

New England Biolabs, Inc.
32 Tozer Road
Beverly, MA 01915

DECLARATION
AND POWER OF ATTORNEY
Original Application

Attorney Docket No. NEB-135

COPY

As a below named inventor, I hereby declare that:

My residence, post address and citizenship are as stated below next to my name

I believe that I am the original, first and sole inventor (in only one name is listed at 201 below) or an original, first and joint inventor (if plural names are listed at 201-203 below) of the subject matter which is claimed and which a patent is sought on the invention entitled:

METHOD FOR CONSTRUCTION OF THERMUS-E. COLI SHUTTLE VECTORS AND IDENTIFICATION
OF TWO THERMUS PLASMID REPLICATION ORIGINS

which is described and claimed in:

☐ the attached specification or ☒ the specification in Application Serial No. 09/134,246 filed 8/14/98
(for declaration not accompanying application)

And was amended on _____
if applicable

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendments referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a). I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| FOREIGN APPLICATION(S) IF ANY, FILED WITHIN 12 MONTHS PRIOR TO THE FILING DATE OF THIS APPLICATION | | | |
|---|-------------|--------------------------------------|---|
| COUNTRY | APPLICATION | DATE OF FILING (day, month, year) | PRIORITY CLAIMED UNDER 35 U.S.C. 119 |
| | | | YES NO |
| | | | YES NO |
| ALL FOREIGN APPLICATION(S) IF ANY, FILED MORE THAN 12 MONTHS PRIOR TO THE FILING DATE OF THIS APPLICATION | | | |
| COUNTRY | APPLICATION | (day, month, year) | PRIORITY CLAIMED UNDER 35 U.S.C. 119 |
| | | | |
| | | | |

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial No. | Filing Date | Status (Patented, Pending, Abandoned) |
|------------------------|-------------|---------------------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |

DECLARATION
AND POWER OF ATTORNEY
PAGE 2 OF 3

POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following attorney with full powers of association, substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Gregory D. Williams
(Registration No. 30901)

SEND CORRESPONDENCE TO:

Gregory D. Williams
General Counsel
New England Biolabs, Inc.
32 Tozer Road
Beverly, MA 01915

DIRECT TELEPHONE CALLS TO:

Gregory D. Williams
General Counsel
New England Biolabs, Inc.
Tele: (508) 927-5054; Ext. 292
Fax: (508) 927-1705

| | | | | |
|-----|-------------------------|---|--|----------------------|
| 201 | Full Name of Inventor | Last Name Wayne | First Name Jay | Middle Name |
| | Residence & Citizenship | City Flushing | State/Foreign Country New York | Citizenship US |
| | Post Office Address | Post Office Address 142-25 Horace Harding Expressway | City/State/Country Flushing, New York | Zip Code 11367 |
| 202 | Full Name of Inventor | Last Name Xu | First Name Shuang-yong | Middle Name |
| | Residence & Citizenship | City Lexington | State/Foreign Country Massachusetts | Citizenship China |
| | Post Office Address | Post Office Address 30 Grapevine Avenue | City/State/Country Lexington, Massachusetts | Zip Code 02173 |
| 203 | Full Name of Inventor | Last Name | First Name | Middle Name |
| | Residence & Citizenship | City | State/Foreign Country | Citizenship |
| | Post Office Address | Post Office Address | City/State/Country | Zip Code |
| 204 | Full Name of Inventor | Last Name | First Name | Middle Name |
| | Residence & Citizenship | City | State/Foreign Country | Citizenship |
| | Post Office Address | Post Office Address | City/State/Country | Zip Code |
| 205 | Full Name of Inventor | Last Name | First Name | Middle Name |
| | Residence & Citizenship | City | State/Foreign Country | Citizenship |
| | Post Office Address | Post Office Address | City/State/Country | Zip Code |

DECLARATION
AND POWER OF ATTORNEY
PAGE 3 OF 3

| | | | | | |
|-----|---|-------------------------|---------------------|-----------------------|-------------|
| 206 | 2 | Full Name of Inventor | Last Name | First Name | Middle Name |
| | 0 | Residence & Citizenship | City | State/Foreign Country | Citizenship |
| | 6 | Post Office Address | Post Office Address | City/State/Country | Zip Code |
| 207 | 2 | Full Name of Inventor | Last Name | First Name | Middle Name |
| | 0 | Residence & Citizenship | City | State/Foreign Country | Citizenship |
| | 7 | Post Office Address | Post Office Address | City/State/Country | Zip Code |
| 208 | 2 | Full Name of Inventor | Last Name | First Name | Middle Name |
| | 0 | Residence & Citizenship | City | State/Foreign Country | Citizenship |
| | 8 | Post Office Address | Post Office Address | City/State/Country | Zip Code |
| 209 | 2 | Full Name of Inventor | Last Name | First Name | Middle Name |
| | 0 | Residence & Citizenship | City | State/Foreign Country | Citizenship |
| | 9 | Post Office Address | Post Office Address | City/State/Country | Zip Code |

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | |
|---------------------------|----------------|
| Signature of Inventor 201 | Date |
| <i>[Signature]</i> | 8/24/98 |
| Signature of Inventor 202 | Date |
| <i>[Signature]</i> | Sept. 16, 1998 |
| Signature of Inventor 203 | Date |
| Signature of Inventor 204 | Date |
| Signature of Inventor 205 | Date |
| Signature of Inventor 206 | Date |
| Signature of Inventor 207 | Date |
| Signature of Inventor 208 | Date |
| Signature of Inventor 209 | Date |